



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 25, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (May 11, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring Memphis Stone and Gravel's 100 year anniversary.

Conrad

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Larry Cox for 25 years of service to the Memphis Shelby County Airport Authority.

Flinn

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving an honorary street name change for Dr. Cleo Clifton Kirk.

Brown

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

4. RESOLUTION approving a hotel waiver for American Inn located at 3265 Elvis Presley Boulevard, Memphis, TN 38116. (Held from 5/11)

Ford

Case No. HMW 10-03

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a special use permit located on the south side of E. Chelsea Avenue; +/-350 feet west of Walter Street, containing 6.0 acres in the Single Family Residential (R-S6) District.

Ford

Case No. SUP 10-208

Applicant: Tower Ventures V, LLC

Request: Special use permit to allow a cellular communication tower one-hundred twenty (120) feet in height with flush-mount antennae with capacity to accommodate a maximum of four (4) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6. RESOLUTION approving a special use permit located on the south side of Quince Road; +/-350.57 feet east of Kirby Road, containing 7.40 acres in the Townhouse Residential (R-TH) District.

Ford

Case No. SUP 10-209

Applicant: Tower Ventures V, LLC

Request: Special use Permit to allow a cellular communication tower one-hundred sixty (160) feet in height, including a maximum of five (5) flush-mount antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

7. **ORDINANCE** Prohibiting Unfair Discrimination in City Hiring Policies Against Persons Previously Convicted, up for F I R S T reading.

Strickland

Ordinance No. 5363

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

8. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to increase Solid Waste Fees for Collection and Disposal, add a cart leasing option and revise the description of the residential and commercial business categories, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5354

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** amending Chapter 15, Section 15-7, City of Memphis Code of Ordinances, to revise language regarding City issued carts and use of personal containers, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5355

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** amending Chapter 33, City of Memphis Code of Ordinances, to increase Sewer Fees, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5356

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to amend Chapter 2, Article IV, of the Code of Ordinances, so as to establish the City of Memphis Minority Business Development and Oversight Commission, up for S E C O N D reading.

Strickland

Ordinance No. 5357

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase the City Contribution allowable under Section 25-71 and Section 25-171, up for S E C O N D reading.

Strickland

Ordinance No. 5358

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **ORDINANCE** to increase Pension Benefits allowable under Section 25-95 and Section 25-195, up for S E C O N D reading.

Strickland

Ordinance No. 5359

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **ORDINANCE** establishing the Fiscal Year 2011 Operating Budget for the City of Memphis, up for S E C O N D reading.

Morrison

Ordinance No.5360

**Ordinance** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2010, through June 30, 2011.

ACTION REQUESTED: Adopt the ordinance on Second reading

15. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2011, up for S E C O N D reading.

Morrison

Ordinance No. 5361

ACTION REQUESTED: Adopt the ordinance on Second reading

16. **ORDINANCE** to amend previous Ordinance 4388, codified as City code, Title 6, Article 6, Section 2-331(a), to extend the Sunset Clause set forth therein until December 31, 2010, up for S E C O N D reading.

Conrad

Ordinance No. 5362

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

17. RESOLUTION approving final plat of KATE BOND MIDDLE SCHOOL.

Contract No. CR-5160

Resolution approves the final plat located on the west side of Kate Bond Road at Deerfield Trace. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION accepting GRACE ST. LUKES SCHOOL P.D. and authorizing release of bond.

Case No. PD 08-319  
(Contract No. CR-5738)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on east side of LeMaster Street, between Linden and Peabody Avenue. The standard improvement contract was approved on May 5, 2009. Resolution also authorizes the release of the performance bond in the amount of \$69,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION canceling the standard improvement contract for KANSAS STREET IMPROVEMENTS and authorizing release of bond.

(Contract No. CR-5073)

Resolution cancels the improvements and the dedication of public streets and easements as shown on the final plat located between Georgia Avenue and Carolina Avenue. The standard improvement contract was approved on May 15, 2007. Resolution also authorizes the release of the Letter of Credit (No. 925) in the amount of \$100,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)



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### MLGW FISCAL CONSENT

20. RESOLUTION awarding Contract No. 11331, Credit Information Services, to Experian Information Solutions in the funded amount of \$250,000.00.
21. RESOLUTION awarding Contract No. 11385, Gas Leak Survey, to Surveys & Analysis, Inc. in the funded amount of \$468,457.75.
22. RESOLUTION awarding Contract No. 11399, Right-of-Way Mowing, to Southern Spray Company in the funded amount of \$196,800.00.
23. RESOLUTION approving Change No. 3 to Contract No. 11213, Meter Data Management System, with Itron, Inc. in the funded amount of \$200,000.00. (This change covers maintenance and support over a five-year term, October 1, 2009 to September 30, 2014, with a 6% savings).
24. RESOLUTION awarding contract for one cab and chassis to Dobbs Ford, Inc. in the amount of \$28,672.00.
25. RESOLUTION awarding contract for three underground manhole support trailers to Team Fenex, Division of Leggett and Platt, in the amount of \$147,575.85.
26. RESOLUTION awarding 48-month contract for the rental of two digital black and white copier/printer systems to IKON Office Solutions, Inc. in the amount of \$729,347.04.
27. RESOLUTION approving payment of 2010 annual membership dues to American Public Power Association in the amount of \$99,098.67.
28. RESOLUTION approving Change No. 1 to Contract No. 11248, Property and Boiler Insurance, with FM Global in the funded amount of \$1,080,894.00. (This change renews the contract for the first of four renewal terms, June 1, 2010 to May 31, 2011, with no increase in rates).



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## REGULAR AGENDA

### GENERAL ORDINANCES -THIRD AND FINAL READING

29. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for T H I R D and F I N A L reading. (Held from 12/1; 12/15; 1/26; 2/23; 3/23)

Boyd

Ordinance No. 5331

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend Chapter 15, to regulate Disposal of items by Property Owners that do not pay Solid Waste Disposal Fees, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5353

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

31. **RESOLUTION** allowing up to 18% of project budgets to be allocated for the Urban Art Commission's project management duties under the Percent-for-Art Program.

Flinn

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

32. **RESOLUTION** appropriating \$728,906.00 in General Obligation Bonds from the Fiscal Year 2010 CIP Budget to purchase one (1) Aerial Truck for the Division of Fire Services for a total appropriation of \$728,906.00.

Lowery

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$1,484,208.00 in General Obligation Bonds from the Fiscal Year 2010 CIP Budget to purchase three (3) Pumpers for the Division of Fire Services for a total appropriation of \$1,484,208.00.

Lowery

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

34. RESOLUTION appropriating \$500,000.00 (\$400,000.00 in State Grant Funds) for the construction of Parkways Maintenance/Renovation, CIP Project Number PK12001, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating \$264,000.00 in Contract Construction for CIP Project Number PK08001, Lichterman Nature Center, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$240,000.00 in Contract Construction for CIP Project Number PK06004, Golf Course Parking Lot Paving, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION appropriating \$350,000.00 in Contract Construction for CIP Project Number PK05001, Ballfield Renovations, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION requesting approval for continuation of plans and specifications for the taking of bids at an estimated construction cost of \$330,000.00 for emergency storm repair at Douglass Pool House located at 1616 Ash.

Boyd



ACTION REQUESTED: Adopt the resolution

39. RESOLUTION appropriating \$10,538,315.00 in Contract Construction for CIP Project Number GA01002, Beale Street Landing, for the purpose of awarding a construction contract to Webb Building Corporation.

Flinn

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES**

40. RESOLUTION appropriating \$62,665.00 for Furniture, Fixtures and Equipment for the Motor Vehicle Inspection Bureau, CIP Project Number PS01009 as part of the FY10 Capital Improvement Program funded by Local Other CIP and G.O. Bonds.

Ware

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION approving a lease agreement with Elliott AmQuip, LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on December 16, 2009.

Ware

Contract No. CR-5159

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

42. RESOLUTION amending the FY10 Capital Improvement Budget by transferring an allocation of \$1,697,726.00 funded by Federal Grant funds from American Recovery and Reinvestment Act from ARRA Repaving, Project Number PW01198 to ARRA Repaving Group – 1, Project Number PW01203. Resolution also appropriates \$1,697,726.00 funded by Federal Grant funds in ARRA Repaving Group -1, Project Number PW01203 for a construction contract with Lehman Roberts.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY10 Capital Improvement Budget by transferring an allocation of \$2,488,078.00 funded by Federal Grant funds from American Recovery and Reinvestment Act from ARRA Repaving, Project Number PW01198 to ARRA Repaving Group – 4, Project Number PW01206. Resolution also appropriates \$2,488,078.00 funded by Federal Grant funds in ARRA Repaving Group – 4, Project Number PW01206 for a construction contract with Lehman Roberts.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION amending the FY2010 Capital Improvement Budget by transferring an allocation of \$143,262.00 to SCADA SYSTEMS, Project Number SW02082 funded by Sewer Funds from Rehab Existing Sewers, Project Number SW02001. Resolution also appropriates \$143,262.00 funded by Sewer Funds for SCADA SYSTEMS, Project Number SW02082 for a contract with Mission Communications, LLC to purchase a real-time monitoring and control system.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION accepting funds from Valero Tennessee Refinery for Local Other Revenue in the amount of \$500,000.00 to fund a Supplemental Environmental Project (SEP) for the City of Memphis Division of Public Works as part of a Global Legal Settlement between Valero and the EPA. Resolution also amends the FY2010 Capital Improvement Budget by replacing the allocation and appropriation in the amount of \$500,000.00 from Sewer Revenue Bonds with Local Other Revenue for South Plant Expansion, Project No. SW02033. Resolution also allows the original allocation of \$500,000.00 in Sewer Revenue Bonds to remain in the project.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

46. RESOLUTION accepting the design plan of the Fairgrounds Project.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

47. RESOLUTION authorizing the issuance, sale and delivery of not to exceed One Hundred Sixty-Eight Million Dollars (\$168,000,000.00) principal amount of City of Memphis, Tennessee General Improvement Bonds for the purpose of refunding certain outstanding General Improvement Bonds, Series 2010B of the City.

Morrison

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION amending the FY2010 CIP Budget by allocating and appropriating \$3,893,790.00 for CIP Project Number CD01085 – Fairgrounds Public Green Space Project, Phase I.

Hedgepeth

ACTION REQUESTED: Adopt the resolution\

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 28 – Approved
- 29. Held until July 20, 2010
- 30. Through 41 – Approved
- 42. & 43 – Approved, as amended
- 44. Through 47 – Approved
- 48. Approved, as amended

**ACTION TAKEN ON THE MINUTES OF MAY 11, 2010 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS #20, #28, #47 & #48 FROM TONIGHT'S MEETING**

Approved